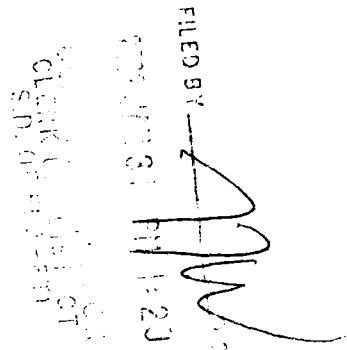


**UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF FLORIDA**

Case No.00-6348-CR-FERGUSON



DEFENDANT'S UNOPPOSED MOTION TO CONTINUE SENTENCING DATE

Defendant, Kenny Gardner, by and through undersigned counsel, respectfully requests this Honorable Court enter an Order continuing the Friday, February 8, 2002 sentencing date. As grounds for this Motion, the following is submitted.

1. Defendant, Kenny Gardner, is set to be sentenced on Friday, February 8, 2002.
2. Undersigned counsel was CJA appointed on Monday, January 28, 2002 at 4:10 p.m. and has yet to receive the Defendant's file from the Office of the Public Defender.
3. Pursuant to Local Rule 88.9 (A), undersigned counsel has contacted Assistant United States Attorney Kathleen Rice who does not object to this request.

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a true and correct copy was sent via facsimile to Kathleen Rice, 500 East Broward Boulevard, 7th floor, Fort Lauderdale, Fl. 33394-3002 this 30st day of January, 2002.

SPENCER & KLEIN, P.A.
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By:

David M. Tarlow
Fla. Bar #893684